Position Paper (temporary)
Colorado Citizens for Fairness

The organization Colorado for Family Values has begun a campaign to place on the November 3, 1992 general election ballot an initiative that, if adopted by the voters, would amend the Bill of Rights of the Colorado state constitution to prohibit the state of Colorado and any political subdivision from protecting the civil rights of our lesbian, gay and bisexual citizens. Colorado Citizens for Fairness believes that this radical and discriminatory measure should be rejected for several reasons:

(1) Enactment of this measure would undermine the business community's confidence in Colorado. Most, if not all, major employers are firmly committed to the principle of nondiscrimination is both ethically correct and good for business, in that employees are more satisfied and productive when they are treated fairly. While this measure would not directly affect the internal nondiscrimination policies adopted by employers, the adoption of this measure would indelibly imprint the stamp of intolerance on our state. This inevitable consequence could well dissuade businesses, particularly major employers, from relocating to or expanding existing operations in Colorado, because these businesses will seek to avoid an environment of intolerance that they rightly deem unhealthy.

(2) Enactment of this measure is intended to deprive home rule cities of their authority in the area of civil rights. This result runs counter to 90 years of Colorado constitutional history, as the principle of home rule was firmly established in our constitution upon the adoption of Article XX in 1902. A city's home rule authority is a precious part of its independence under our constitution. If this measure were adopted, every home rule city in Colorado would suffer from this infringement on its constitutional independence.

(3) This measure is blatantly discriminatory. Its acknowledged intent is to preclude any future civil rights protection, and eliminate all existing civil rights protection, of our lesbian, gay and bisexual citizens. The measure singles out lesbian, gay and bisexual people for this specific legal disability, and in so doing the measure clearly condemns lesbian, gay and bisexual people to the status of second-class citizens. All Colorado citizens should oppose discrimination against any group, even a group that an individual feels that he or she dislikes, because discrimination is both morally wrong and harmful to a heterogeneous society attempting to reach its full potential.

(4) This measure legitimizes prejudice. It is nothing more than a codification of the assertion that lesbian, gay and bisexual people are inferior, even dangerously so, and deserve specific legal condemnation. Stigmatizing an entire group, rather than evaluating members of the group as individuals, is the essence of prejudice. Once prejudice against any group is legitimized, there will be no boundaries to the future expansion of prejudice against other groups. This is because prejudice, by its very nature, has no limits; if society accepts the premise that enmity toward an entire segment of that society, whose members are linked only by the common possession of some human characteristic, is valid, then there is no rational basis for determining when prejudice is justified and when it is not. All prejudice would be justified under these conditions.

(5) This measure is unconstitutional. It violates both the right of lesbian, gay and bisexual people to equal protection of the law and the right of state and local legislators to free speech. There is specific, authoritative United States Supreme Court precedent holding unconstitutional earlier initiatives from other states legally indistinguishable from this measure: Reitman v. Mulkey (1967); Hunter v. Erickson (1969). Enactment of this measure would involve the state of Colorado in expensive, and ultimately futile, litigation to defend the measure from constitutional scrutiny.

(6) Colorado for Family Values, the sponsoring organization, has acted unethically and, for this reason, should be repudiated. In its position paper CFV relies extensively on one discredited psychologist, Paul Cameron, who was expelled from the American Psychological Society in 1983, has been disavowed by at least four other professional associations-the Nebraska Psychological Association (1982, 1984), the Society (1984?), and the Society for the Study of Social Problems (1984?)-and even censured by a United States District Court judge in 1984 for "distorting" scientific data. In attempting to depict lesbian, gay and bisexual citizens in as negative a posture as possible, CFV's position paper employs the standard defamatory techniques of citing outdated and obscure sources, misstating the conclusions of others, and engaging in highly selective citation to still others. For example, although the authors of two Kinsey Institute treatises, Homosexualities: A Study of Diversity among Men and Women and Sexual Preference: Its Development in Men and Women, state that "we cannot stress too much" that the group of 575 gay, white men interviewed in the San Francisco Bay Area in the 1970's and studied in the two volumes "is not a representative sample" of gay men, and was not intended "to estimate the prevalence of a given characteristic" among characterizing all gay men today-in direct contravention of the authors warning. An organization that engages in this sort of unprincipled argumentation simply cannot be trusted to amend our state constitution.

For these several diverse and compelling reasons, Colorado Citizens for Fairness believes that the voters of Colorado have no choice but to reject this flawed initiative.